Revenue (1948) Department

Lyd. Ms No. 87:

dated 16.4.48.

Despatch Abstract

Alienation Land and Revenue) (Ballarat
Ballarat Talent and Town - T81.
220/3 - 220/5 221 - Institute of the
Franciscan Fathers of the English Province -
in Ballarat for a playground attached
to St. Johns High School Sometime

Ref.E.6220/47-2

Office of the Board of Revenue
Madras dated 1-3-48

P.M. Jayarajan Esq., Bar-at-law., ICS., Secretary

W.R.S. Sathianathn Esq., I.C.S.,
Commr. of Land Revenue and Commercial Taxes.

R 1552

Sub: Alienation-Land and Revenue-(Bellary district)- Bellary Taluk and Town T.S.Nos.220/3, 220/5, 221/ in favour of the Institute of the Franciscan Fathers of the English Province in Bellary-for a play ground attached to St.John's High School-Recommended.

Read: Collector's letter C.No.6367/46 A.2 dated 20-11-47
" dated 21-2-48.

REFERENCE:

At the instance of the Collector of Bellary the Board recommends the alienation of the plot of land comprised in T.S.Nos.220/3, 220/5, 221. of Bellary town and taluk measuring Ac.0-83-6 cents in favour of the Institute of the Franciscan Fathers of the English Province, Bellary for the use as the site of a play-ground attached to St.John's High School and to enclose the whole play-Ground by a compound wall.

2. The alienation will be free of charge for the occupancy right and free of assessment but subject to the following conditions to which the alience has agreed:-

1. The land shall be used as the site of a play ground and for no other purpose.

2. The compound wall enclosing the sites comprising the play-ground shall be constructed within a period of two years from the date of the grant.

3. No buildings shall be constructed on the land without the previous permission of the Collector of the district.

4. The market value of the land shall be collected if at any time it is found that the grantee derives a substantial income from the land. The Collector shall decide whether a net income is derived from the land or not and his decision, shall be final

5. No part of the land set apart for the play-ground shall be built upon without the previous sanction of the Collector.

6. If buildings are constructed with permission compensation shall be payable as usual.

7. The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Govt. or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

8. The Govt. may resume the land wholly or in part with any buildings thereon if in the opinion of the Govt. the land is required for public purposes or for conducti mining operations. In the event of such resumption, or in the event of the acquisition of the land for any reason, the compensation payable for the land and tress shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less, and the compensation payable for buildi or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whic ever may be less together with the initial cost or the value at the time of resumption acquisition which ever may be less of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Govt. towards the cost of the buiildings or other improgements shall be deducted from the compensatiom payable under this condition

no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition. (3)

9. In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements thatmay have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Govt. for the grant or the value of the land at the time of relinquishment whichever may be less.

10. Full land revenue shall be leviedif ay any time any net income is derived from the land or if any of the condition of the alienation are infringed. In the matter case, the land revene shall be levied from the date of the infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

11. The Government reserve to ~~the elves~~ themselves the right to all sandal-wood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the govt. shall be at leberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alience shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

12. The alience shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandal wood trees from theft or damage and for the careful protection of the immature trees growing on the land.

13. The alience shall take the steps to see that the marks made by the officers of the government on the sandalwood trees are preserved and are not tampered with, and

14. In the event of the infringement of, or failure to observe any of the condition (11) to (13) the alience shall pay to the Govt. such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Govt. shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alience shall not be entitled to any compensation whatever.

FOR SECRETARY.

To

The Secretary to Government. Revenue Dept.

Dated 20.11.47

A copy of letter No.0367/46 A.2 from the Collector of Bellary To the Secretary to the Board of Revenue, Madras.

-oOo-

Sir,

Sub: Alienation-Land and Land Revenue-Bellary taluk and Town-T.S.Nos.221,220/3 and 220/5-V.S.por. site for St.John's high School-Playground-~~Proposals~~. proposal

Sc(d)

In G.O.Nos.Ms.2960 Rev.dated 29-11-40 communicated with Board's Mis.No.3491 10-12-40, S.No.522/88 of Bellary town measuring 2-70 acres was alienated in favour of the institute of the Fransiscan Fathers of the English Province in Bellary for use as a playground for the St.John's High School, Bellary. The Institute has now applied for use alienation of 3 more sites contiguous with the above site, free or cha for occupancy right and free of ground-rent. These sites are intended to extend the existing play ground and enclosing the entire area by a compound wall.

2. The sites applied for comprise of T.S.Nos.221,220/3 and 220/5 (a portion now subdivided in T.S.No.220/4 and numbered as T.S.No.220/5) of Bellary Town measuring AO-44, 5 cents, AO-17.9 cents and AO.21.2 cents respectively. They are classed as village site poramboke in the Revenue Accounts. The district Educational Officer, Bellary recommends the alienation.

3. The value of the occupany right of the sites applied for is estimated at Rs.2023/- at 0-8-0 per sq.yard., and it is reasonable. They bear a groundrent of Rs.5-4-0 at the rates of Rs.~~8-0-0~~ 6-4-0 per acre.

4. The institute is registered under the Societies Registration Act with its Headquarters in India at Bellary and outside India at London. It has agreed to abide by the General and special conditions of alienation, a list of which is appended below.

5. The sites are not vested in the Municipality and the council has no objection for the alienation of the sites in question. A notice inviting objections, if any, to the alienation waw published in the Town, on 1-6-47 and no objections were received. The lands are not useful for the Railway Dept. There are no trees on the sites to be alienated. An amount of Rs.2-10-0 respesenting the survey and demarcation chages was collected from the applicant and credited in Cha.No.561 dated 16-9-47 in the Bellary Sub Treasury.

6. The institution does not derive any remuneration from the sites in question. I recommend that the Board may be pleased to obtain the sanction of the Govt. to the grant of sites in favour of the institute free of market value and ground rent.

7. A tope graphical sketch and alienation proposals in the prescribed form are enclosed.

(V)

K.N. Anantharaman
(For Collector)

(True Copy)

krs.

21.2.48

A copy of letter No.R.C.6367/46 A.2 from the Collector of Bellary To the Secretary to the Board of Revenue, Madras.

-oOo-

Sir,

Sub: Alienation-Land and Land revenue-Bellary taluk and Town T.S.Nos.221, 220/3 and 220/5 village site for St.John's High School.

Ref: Board's ref.E.6220/47-1 dated 11-12-47

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There are no super-structures on the site proposed to be alienated. Topographical sketches in duplicate are enclosed.

FOR COLLECTOR.

(True Copy)

krs.
6/3

APPLICATION FOR THE ALIENATION OF LAND REVENUE PAYABLE TO GOVERNMENT.

BELLARY DISTRICT.

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1. Description and area		T.S.No.221,220/3 and 220/5 of bellary town in Bellary taluk, measuring A.0.44-5 cents and 0-17.9.cents and AG.0.21.2 cants. acres. = 0-83.6 cents.
2.Value	(a) Annual ground rent.	Rs.5-4-0 at Rs.6-4-0 per acre.
	(b) capitalized value. 25 times the ground rent.	Rs.131-4-0
3. Alienees and purpose of alienation.		The institute of the Fransiscan fathers of the English province in Bellary. For extending the existing play ground and enclosing the entire area by a copound wall.
4. Collector's remarks.		As the sites will be used fora non-remunerative public propose, the Land Revenue payable to Government may be alienated.

(SD)

(TRUE COPY) FOR COLLECTOR.

APPLICATION FOR THE ALIENATIONOF LAND IN WHICH THE PROPRIETARY RIGHT BELONGS TO THE STATE.

BELLARY DISTRICT.

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1. Description and area		T.S.Nos.221,220/3 and 220/5 of Bellary town in Bellary taluk,measuring Ag.0-44.5 cents and AG.0-17.9cents and AG.0.21-2 cents = 0-83.6 cents.
2.Value.	(a) Freehold	Rs. 2023/-at 0-8-0 per Sq.Yard.
3. Alienees and purpose of alienation.		The Institute of the Fransiscan fathers of the English province in Bellary for extending the existing play-ground and encloaing the entire area by a compound wall
4. Collector's remaks.		The sites are required for a non-remunerative public prupose. There is no objection for their alienation free of value for the occupancy, right.

(SD)

FOR COLLECTOR.

Ir 1-2 CF

[G.O. 1552 3 A/48]

From "The Bd of Rev. Ref E 6220/47-2 dated 1-3-48.

15.4.48

G.O.Ms No. 872 dated. 16.6.48

The Govt sanction the alienation of the land plot of land comprised in T.S. No. 220/3, 220/5 and 221 of Bellary town taluk and dt measuring Ac. 0-83-6 cents in favour of the Institute of the Franciscan Fathers of the English Province in Bellary for the use as the site of a play ground attached to St. John's High School and to enclose the whole play ground by a compound wall.

2. The alienation will be free of charge for the occupancy right and free of assessment but subject to the following

Issue with endorsement & docket

15/4/48

conditions to which the alienee has agreed:-

(1) The land shall be used as the site of a play ground and for no other purpose

(2) The compounded wall enclosing the gates comprising the play-ground shall be constructed within a period of two years from the date of the grant.

(3) No other buildings shall be constructed on the land without the previous permission of the Collr. of the dt.

(4) The market value of the land shall be collected if at any time it is found that the grantee derives a substantial income from the land. The Collr. shall decide whether a net income is derived from the land or not and his decision shall be final.

(5) No part of the building land set apart for the play-ground shall be built upon without the previous sanction of the Collr.

PTO

(b.) If buildings are constructed with permission compensation shall be payable as usual.

(7) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(8) The Government may resume the land, wholly or in part with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with the initial cost or the value at the time of resumption or acquisitionm whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Gobernment towards the cost of the buildings and other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(9) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be ~~my~~ payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.,

(10) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of alienation are infringed. In the latter case, the land revenue shall be levied from the date of infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

(11) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the District.

(12) The alienee shall take all reasonable measures to the satisfaction of the Collector of the District for the protecti of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land

(13) The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(14) In the event of infringement of or failure to observe any of the conditions (11) to (13) the alienee shall pay to the Government such compensation as is determined by the Collector of the District for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and reenter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alinee shall not be entitled to any compensation whatever.

h
4/3

Bd
1673/48
20 copies with Sketch sent 19.4.48

The Bd of Rev with Sketch returned in ct 8 only 5 Copies

(V)

R.D

Note

Please see the Bd's reference in the Cf.. condition 6 of the alienation. Suggested by the Bd vide Ki3 - "if buildings are constructed with permission, compensation shall be payable as usual. appears unnecessary as compensation for buildings erected with permission will be paid in case the land is resumed under condition 8. It appears however that there is no harm in retaining the condition.

Draft order above is for approval.

This may be sent to E.P.H and Fin vide acceptance

h
4.3.48

EAPH

Fin

E&P.H(Cs)

The draft may be accepted.

TD
30/3/48 and the file passed on to Fin.

Asst Secretary to Government

ASST. SECRETARY TO GOVERNMENT
EDUCATIONAL ANALYTICAL HEALTH DEPT.
22 MAR 1948

ASST. SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT
7 APR 1948

Secretariat Procedure
2790 7 A

Sen U.O. 1

20/3/48

1673/48.

21507

Finance (A.A)

The draft order on pp. 1-5 above may be accepted

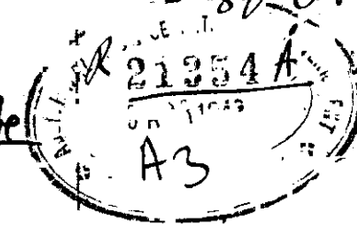
8/4/08

8/4/08 Revenue

Rev Dept.

Dated 27/07/2007

- 8/4/08



Total

The draft order on pp 1-5 ante

may please

12/4/08

DS

9/4/08

15/4/08

Is it necessary for Legal Aspect?

14/4/